



**In the United States Patent and Trademark Office**

Applicants: Andrea S. Wulz et al.  
Serial No.: 10/026,855  
Confirmation: 1818  
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Docket No.: 16,897  
Group: 3761  
Examiner: Karin M. Reichle  
Date: August 11, 2003

3761  
#7  
DL  
9-4-03

For: **An Absorbent Article Having An Insert Providing For Improved Fluid Distribution**

**Response to Requirement for Restriction  
And Election of Species**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**AUG 20 2003**

**TECHNOLOGY CENTER #3200**

Sir:

In order to comply with the Requirement for Election/Restriction mailed July 16, 2003, Applicants hereby elect Group II (Claims 17-26) and the species of Figure 5 with traverse. This provisional election is made in response to the Requirement for Election/Restriction made in the Office Action mailed July 16, 2003.

Applicants respectfully disagree with the statement that "[c]urrently no claims are generic". Applicants respectfully submit that Claim 21 reads on the species illustrated in Figure 5 and that at least Claims 17-19, 21, and 23-26 are generic. Applicants respectfully submit that Claims 1-3, 5-9, 11-16, 27-28 and 30 are also generic to the embodiment illustrated in Figure 5 that is and described in detail in Example 2. Accordingly, Applicants respectfully request that independent Claims 1 and 27 and Claims 2-16 and 28-30 that depend from Claims 1 and 27 should also be examined at this time.


Applicants traverse the Requirement for Election/Restriction and request the Examiner reconsider the Requirement for Election/Restriction. Applicants respectfully submit that the Requirement for Election is improper because the alleged species are not mutually exclusive. "Claims restricted to different species must be mutually exclusive." (MPEP § 803.02) For example, the species illustrated Figures 1 and 2 and Figure 5 are not necessarily mutually exclusive because all illustrate diapers. Therefore, the alleged species are not mutually exclusive and the Requirement for Election is improper.

In the alternative, Applicants respectfully submit that the alleged species are so few in number that a search and examination of the entire claims can be made without serious burden. Thus, the examiner should examine the all of the claims in the present application at this time in accordance with MPEP § 803.02.

The undersigned may be reached at: (770) 587-8620.

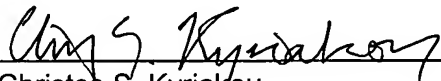
Respectfully submitted,

WULZ ET AL.

By:   
Christos S. Kyriakou  
Registration No.: 42,776

#### CERTIFICATE OF MAILING

I, Christos S. Kyriakou, hereby certify that on August 11, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Christos S. Kyriakou